

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

March 19, 2001

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, March 19, 2001, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Mayor Ralph K. Smith-----1.

ABSENT: Council Members William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, and W. Alvin Hudson, Jr.-----6.

OFFICERS PRESENT: Mary F. Parker, City Clerk.

No agenda items having been scheduled for the 12:15 p.m. session, the Mayor declared the meeting in recess until 2:00 p.m.

On Monday, March 19, 2001, at 2:00 p.m., the meeting of Roanoke City Council reconvened in regular session in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., and Mayor Ralph K. Smith-----6.

ABSENT: Council Member William White, Sr.-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend E. T. Burton, Pastor, Sweet Union Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS

ACTS OF ACKNOWLEDGEMENT-CITY MANAGER: Mr. Harris offered the following resolution recognizing the 26 years of service of James D. Ritchie, Sr., Deputy City Manager, upon his retirement effective April 1, 2001:

(#35230-031901) A RESOLUTION paying tribute to James D. Ritchie, Sr., Deputy City Manager, for the City of Roanoke, and expressing to him the appreciation of this City and its people for his exemplary public service.

(For full text of Resolution, see Resolution Book No. 64.)

ACTION: Mr. Harris moved the adoption of Resolution No. 35230-031901. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

The Mayor presented Mr. Ritchie with a ceremonial copy of the resolution and advised that other acknowledgments will be made at his farewell reception on Thursday, March 29, 2001, at 2:00 p.m., in Fitzpatrick Hall at The Jefferson Center.

DECEASED PERSONS-CITY COUNCIL: Mr. Harris offered the following resolution memorializing the late G. Frank Clement, former Member of Roanoke City Council from January 1, 1980 through June 30, 1980:

(#35231-031901) A RESOLUTION memorializing the late G. Frank Clement, a longtime resident of Roanoke and retired President and Chairman of the Board of Shenandoah Life Insurance Company.

(For full text of Resolution, see Resolution Book No. 64.)

ACTION: Mr. Harris moved the adoption of Resolution No. 35231-031901. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

The Mayor presented a ceremonial copy of the above referenced resolution to Mr. Clement's son, Don Clement, and expressed the condolences of the Council and citizens of the City of Roanoke.

DECEASED PERSONS-PARKS AND RECREATION: Mr. Hudson offered the following resolution memorializing the late Jimmie Layman:

(#35232-031901) A RESOLUTION memorializing the late Jimmie Layman, former Manager of the Roanoke Parks and Recreation Department and a Clerk for the Roanoke City Market.

(For full text of Resolution, see Resolution Book No. 64.)

ACTION: Mr. Hudson moved the adoption of Resolution No. 35232-031901. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

The Mayor presented a ceremonial copy of the above referenced measure to Mrs. Jimmie Layman and expressed the condolences of the Council and citizens of the City of Roanoke.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to one request for a Closed Meeting to discuss a personnel matter with regard to vacancies on various authorities, boards, commissions and committees appointed by the Council.

MINUTES: Minutes of the regular meetings of Council held on Monday, March 5, 2001, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

ACTION: Mr. Harris moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

COMMITTEES-COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

ACTION: Mr. Harris moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

MUNICIPAL AUDITOR-AUDIT COMMITTEE: Minutes of a meeting of the Audit Committee of Roanoke City Council which was held on Monday, March 5, 2001, were before the body.

The Audit Committee considered the following items:

FINANCIAL AUDITS:

Clerk of the Circuit Court

Sheriff's Canteen and Jail Inmate Fund

FINANCIAL RELATED AUDITS:

Civic Center Concessions

AUDIT SELECTION COMMITTEE - RECOMMENDATION

GASB 34 Implementation

(For full text, see Minutes on file in the City Clerk's Office.)

ACTION: Mr. Harris moved that the Minutes be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

ROANOKE NEIGHBORHOOD PARTNERSHIP-HUMAN DEVELOPMENT-ROANOKE VALLEY RESOURCE AUTHORITY-AIRPORT-COURT COMMUNITY CORRECTIONS BOARD-OATHS OF OFFICE-COMMITTEES: The following reports of qualification were before Council:

William E. Skeen and Lular R. Lucky as members of the Roanoke Neighborhood Partnership Steering Committee for terms ending November 30, 2003;

Sheri Bernath as a member of the Blue Ridge Behavioral Healthcare Board to fill a vacancy created by the resignation of Ann Janney-Schultz for a term ending December 31, 2003;

Robert K. Bengtson as a City representative to the Roanoke Valley Resource Authority for a term ending December 31, 2004;

J. Granger Macfarlane as a member of the Roanoke Regional Airport Commission for a term ending March 9, 2005; and

William H. Cleaveland as the City's representative to the Court Community Corrections Program Policy Board for a term ending December 31, 2003.

(See Oaths or Affirmations of Office on file in the City Clerk's Office.)

ACTION: Mr. Harris moved that the reports of qualification be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

REGULAR AGENDA

HEARING OF CITIZENS UPON PUBLIC MATTERS: None.

PETITIONS AND COMMUNICATIONS:

BUDGET-TAXES: A communication from Vice-Mayor Carder requesting that Council consider the question of increasing the cigarette tax by ten cents, during fiscal year 2001-02 budget study, and that the additional \$735,000.00 be allocated to curb, gutter and sidewalk improvements, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson advised that he would support a 20 cents increase in the cigarette tax.

Mayor Smith advised that he would support an increase, but expressed the need to review the overall tax structure of the City in an effort to counter balance any increase in the cigarette tax.

ACTION: Mr. Carder moved that the request be referred to fiscal year 2001-02 budget study. The motion was seconded by Mr. Harris and adopted.

BUDGET-COMMONWEALTH'S ATTORNEY-GRANTS: A communication from the Honorable Donald S. Caldwell, Roanoke City Commonwealth's Attorney, advising that the Department of Criminal Justice Services (DCJS) has awarded the City of Roanoke a grant in the amount of \$72,191.00 for the calendar year 2001, was before Council.

It was further advised that the Grant for VIRGINIA EXILE in 2001 will continue to provide the City of Roanoke with additional funding resources to maintain the Commonwealth's emphasis on prosecuting violent gun carriers in the City; the EXILE Grant relates to state laws, enacted in 1999, which set minimum mandatory sentences for convicted felons who possess guns, individuals who possess guns while possessing drugs, and people who bring guns on to school property with the intent to use the weapons; the City of Roanoke would use the funds to target those persons who illegally possess and use firearms and to reduce the number of violent firearms crimes in the City of Roanoke; the goal will be achieved through a unified effort of city, state, and federal prosecutors and law enforcement agencies; and the grant requires a cash match of \$8,021.00 from the City's General Fund Contingency.

The Commonwealth's Attorney recommended that Council adopt a resolution accepting 2001 DCJS funds and authorize the City Manager to execute the requisite Grant Agreement, Funding Approval, and any other forms required by DCJS on behalf of the City, in order to accept such funds, with said Agreement and forms to be approved as to form by the City Attorney; appropriate \$80,212.00, establish a grant fund revenue estimate, and transfer funds in the amount of \$8,021.00 from General Fund Contingency (001-300-9410-2199) to Transfer to Grant Fund (001-250-9310-9535).

The City Manager submitted a communication concurring in the recommendation of the Commonwealth's Attorney.

(For full text, see communications on file in the City Clerk's Office.)

Mr. Hudson offered the following emergency budget ordinance:

(#35233-031901) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General and Grant Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Hudson moved the adoption of Ordinance No. 35233-031901. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

Mr. Hudson offered the following Resolution:

(#35234-031901) A RESOLUTION accepting the Virginia Exile Grant offer made to the City by the Department of Criminal Justice Services and authorizing execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 64.)

ACTION: Mr. Hudson moved the adoption of Resolution No. 35234-031901. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting appropriation of funds to the following school accounts, was before Council.

\$68,992.00 to provide additional funds for carpet and floor tile improvements to Fairview Elementary School. Funding will be provided through a Literary Fund loan approved for the project.

\$28,710.00 to provide additional funds for carpet and floor tile improvements to Fishburn Park Elementary School. Funding will be provided through a Literary Fund loan approved for the project.

\$419,427.00 for the Title I Winter program to provide remedial reading, language arts, and mathematics instruction for students in targeted schools. This continuing program will be reimbursed one hundred percent by Federal funds.

\$50,960.00 for the 2000-01 Governor's School program to provide instruction in science and math to high school students. This supplemental appropriation represents additional State funds allocated to this continuing program.

\$1,000.00 for the Jobs for Virginia Graduates program to serve at least 25 economically disadvantaged students, providing classroom training and work experience to assist the students to prepare for high school graduation or to sit for the General Education Development (GED) examination. This supplemental appropriation represents additional Federal funds allocated to this continuing program.

\$250,000.00 for the cost of architect fees in connection with the high school renovation feasibility study. Funding will be provided from 1999 Bond funds.

\$71,548.00 from the 2000-01 Capital Maintenance and Equipment Replacement Fund to provide monies for administrative technology requests, for instructional equipment and systems, for the repair of a modular roof at Morningside Elementary School, and for modular furniture and telephone systems at selected elementary schools.

A report of the Director of Finance recommending that Council concur in the request, was also before the body.

(For full text, see communication and report on file in the City Clerk's Office.)

Mr. Harris offered the following emergency budget ordinance:

(#35235-031901) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General, School and School Capital Projects Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Harris moved the adoption of Ordinance No. 35235-031901. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-FLOOD REDUCTION/CONTROL: The City Manager submitted a communication advising that on June 25, 1990, the City executed a Local Cooperation Agreement with the U. S. Army Corps of Engineers to construct the Roanoke River Flood Reduction Project in which the City agreed to relocate all City owned utilities, streets and other facilities necessary to construct the Roanoke River Flood Reduction Project at 100 per cent City expense; on March 18, 1991, the City entered into a contract with Hayes, Seay, Mattern & Mattern, Inc., for work consisting of three phases: planning, design and construction administration for all City owned utility relocations required by the Project (Consultant Contract); Phase I (Planning) was to be the basis for determining the scope of work needed for the other two phases; shortly after entering into a contract for the preliminary phase of the work, the Flood Reduction Project was placed on hold, primarily due to environmental issues, which were not resolved until 1997; currently, the Corps of Engineers is completing construction plans for the Project, and certain utility, street and other facility conflicts have been identified which must be relocated prior to construction; and Phase I (Planning) of the Consultant Contract has been completed.

It was further advised that the balance of the Consultant Contract work (Phase II – Design and Phase III – Construction Administration) is now ready to proceed, and a detailed contract amendment setting forth the scope of Phase II and Phase III and updating certain contract terms has been prepared with Hayes, Seay, Mattern & Mattern, Inc., for the remaining project design and construction administration, at a cost of \$227,353.00; funding is available in existing Capital Project, Account No. 008-056-9620 “Roanoke River Flood Reduction”; and estimated cost for construction of relocations included in the project is \$1.5 million.

The City Manager recommended that she be authorized to execute a contract amendment for the above services with Hayes, Seay, Mattern & Mattern, Inc., in a form acceptable to the City Attorney, for a contract price of \$227,353.00; and authorize the Director of Finance to transfer \$240,000.00 from the Capital Project, Account No. 008-056-9620, to an account entitled, “Roanoke River Utility Relocation” to fund the amendment and to provide a \$12,647.00 contingency fund.

(For full text, see report on file in the City Clerk’s Office.)

Mr. Carder offered the following emergency budget ordinance:

(#35236-031901) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Carder moved the adoption of Ordinance No. 35236-031901. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

Mr. Carder offered the following resolution:

(#35237-031901) A RESOLUTION authorizing the City Manager's issuance of Amendment 1A to the City's contract with Hayes, Seay, Mattern & Mattern, Inc. for Phase II - design and Phase III - construction administration for the Roanoke River Flood Reduction Project - Utility Relocation Design.

(For full text of Resolution, see Resolution Book No. 64.)

ACTION: Mr. Carder moved the adoption of Resolution No. 35237-031901. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

TELEPHONE COMPANIES-COMMUNICATIONS DEPARTMENTS: The City Manager submitted a communication advising that current management responsibility for City-wide telecommunications resides within the Department of Technology; Roanoke City's school division local dial tone phone services are also managed by the City's Department of Technology; and the City's type of telephone service, Centrex, among other requirements, dictates the need for four digit dialing, departmental transfer, conference call, speed dial capabilities, paging access, and voice mail among City departments and schools.

It was further advised that the City issued an invitation for bid for local telephone service on October 25, 2000, and the current contract for local telephone service with Verizon Virginia expired on November 26, 2000; three bids were received and evaluated; the low bidder did not submit a bid which conformed in all material respects to the invitation to bid and was thus non-responsive; Verizon Virginia was the next low bidder and is a responsive bidder; and Verizon Virginia is the City's current provider, and its proposed rate would be a cost savings of \$9,000.00 per month less than the current rate.

The City Manager recommended that she be authorized to enter into a contract with Verizon Virginia at a cost of \$55,395.66 per month for a period of one year, with the option to renew for an additional one year period, and funds are available in operating accounts to cover the cost of the contract.

(For full text, see report on file in the City Clerk's Office.)

Mr. Harris offered the following resolution:

(#35238-031901) A RESOLUTION finding that the low bidder did not provide a responsive bid and accepting the bid of Verizon Virginia to provide local telephone service, upon certain terms and conditions, and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such services; and rejecting all other bids made to the City for the service.

(For full text of Resolution, see Resolution Book No. 64.)

ACTION: Mr. Harris moved the adoption of Resolution No. 35238-031901. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

POLICE DEPARTMENT: The City Manager submitted a communication advising that the City of Roanoke received bids for the new police building project on December 22, 1999; Thor, Inc., submitted the low bid in the amount of \$4,335,000.00 and 390 consecutive calendar days for construction time; the amount of the low bid exceeded available funding, and after negotiation, a revised bid was

accepted in the amount of \$4,015,200.00, with no change in construction time; one of the items addressed in the negotiation was removal of the streetscapes from the contract amount for a savings of \$30,300.00, which includes detailed masonry enhancements that are more appropriately handled by contract work rather than City forces, however, the Public Works Department will fund the work out of its concrete replacement account; and it is proposed that the work be added to the existing contract by a change order in the amount of \$30,300.00.

The City Manager recommended that she be authorized to execute Change Order No. 9 with Thor, Inc., in the amount of \$30,300.00 and zero additional calendar days of contract time, for a total contract amount of \$4,204,707.50, and authorize the Director of Finance to transfer \$30,300.00 from Sidewalk & Curbs Phase V-A, Account No. 008-052-9608-9001, to Police Building Streetscape, Account No. 008-530-9770.

(For full text, see report on file in the City Clerk's Office.)

Mr. Harris offered the following emergency ordinance:

(#35239-031901) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Harris moved the adoption of Ordinance No. 35239-031901. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

Mr. Harris offered the following emergency Ordinance:

(#35240-031901) AN ORDINANCE authorizing the City Manager's issuance of Change Order No. 9 to the City's contract with Thor, Inc., for the removal of streetscapes for the New Police Building Project; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35240-031901. The motion was seconded by mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

PARKS AND RECREATION-DISABLED PERSONS: The City Manager submitted a communication advising that on February 5, 2001, Council authorized the City Manager to enter into a contractual agreement with Wyant Construction Co., Inc., for remodeling seven City park shelters (Thrasher, Golden, Fallon, Wasena, Strauss, Smith and Crystal Springs) to be in compliance with the Americans with Disabilities Act requirements; the Council letter and Bid Committee report of February 5, 2001, inadvertently listed Wyant Construction Co., Inc., as the entity to be awarded the contract, which was not the correct legal name; and it was determined that the correct legal name to be used for the contract is Kenneth L. Wyant, t/a Wyant Construction Co.

The City Manager recommended that Council amend Ordinance No. 35208-020501, adopted February 5, 2001, to set forth the correct name of the entity awarded the contract for the project, affirm acceptance of the bid of Kenneth L. Wyant, t/a Wyant Construction Co. and award a lump sum contract to Kenneth L. Wyant, t/a Wyant Construction Co., in the amount of \$98,950.00 and 75 consecutive calendar days of contract time, and authorize the City Manager to enter into a contractual agreement for the work, in a form to be approved by the City Attorney.

(For full text, see report on file in the City Clerk's Office.)

Mr. Hudson offered the following emergency ordinance:

(#35241-031901) AN ORDINANCE amending Ordinance No. 35208-020501 to set forth the correct name of the entity being awarded the bid for remodeling seven City park shelters (Thrasher, Golden, Fallon, Wasena, Strauss, Smith and Crystal Springs) to be in compliance with the Americans with Disabilities Act requirements; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Hudson moved the adoption of Ordinance No. 35241-031901. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

BUDGET-CMERP-EQUIPMENT-RECYCLING-LIBRARIES: The City Manager submitted a communication advising that on October 2, 2000, Council concurred in funding recommendations for the fiscal year 2000-01 Capital Maintenance and Equipment Replacement Program (CMERP); approval by Council is required for appropriation of funds from CMERP to various accounts to allow for acquisition of items listed on Attachment "A" to the report; i.e.: recarpeting of the Williamson Road and Raleigh Court Branch Libraries - \$142,091.00, library improvements - \$100,000.00, five hundred 96-gallon Toter cans (trash containers) - \$21,250.00 and three-thousand sixty-five 21-gallon recycling bins - \$13,770.00.

The City Manager recommended that Council adopt a budget ordinance appropriating \$177,111.00 to the following departmental accounts:

\$142,091.00 to Building Services, Account No. 001-440-4330-3057
\$35,020.00 to Solid Waste Management, Account No. 001-530-4210-2035

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following emergency budget ordinance:

(#35242-031901) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Carder moved the adoption of Ordinance No. 35242-031901. The motion was seconded by Mr. Harris.

Ms. Wyatt expressed concern with regard to that portion of the report relating to recycling bins at a cost of \$13,770.00. She advised that when Council was briefed on the recycling program on Monday, March 5, 2001, she requested a cost analysis,

at which time she stated that she would not support any expenditures pertaining to recycling until she was provided with the requested information. Inasmuch as the cost analysis has not been received, she advised that she could not support the ordinance appropriating CMERP funds; however, she requested that the record reflect that she does support library recarpeting/improvements, totaling \$142,091.00.

Mr. Hudson concurred in Ms. Wyatt's remarks and advised that he could not support the ordinance without the requested information on recycling cost analysis.

Inasmuch as emergency measures require the affirmative vote of five members of Council, the ordinance was lost by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, and Mayor Smith-----4.

NAYS: Council Members Wyatt and Hudson-----2.

(Council Member White was absent.)

Mr. Bestpitch moved that the emergency clause be stricken from Ordinance No. 35242. The motion was seconded by Mr. Carder and adopted, Council Members Wyatt and Hudson voting no.

Mr. Bestpitch moved that the following ordinance be placed upon its first reading:

(#35242) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General Fund Appropriations.

The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris and Mayor Smith-----4.

NAYS: Council Members Wyatt and Hudson-----2.

(Council Member White was absent.)

BOUNDARYLINE ADJUSTMENTS-STREETS AND ALLEYS: The City Manager submitted a communication advising that since 1996, there have been unresolved issues regarding access and public services for 12 parcels of land located on Gates Lane, N. E., within the City of Roanoke; access to Gates Lane in the City is only by way of Gates Lane, in the Town of Vinton, which is a private road; in the past, there has been difficulty in responding to emergencies since the City must travel through the Town of Vinton to respond; the City has provided refuse service by way of the

private street, because refuse trucks have not been able to negotiate the narrow street and occasionally have caused damage to the street; Roanoke City Schools has provided individual pick up by car for one student in order to provide transportation to a City school; in 1997 and 1998, the City denied subdivision of a 19.2 acre parcel of land owned by Mr. Mike Henderson due to inadequate access provided by Gates Lane (private road); Mr. Henderson and Mrs. Carrell (805 Gates Lane) have both made inquiries as to the possibility of adjusting the corporate boundary line to relocate these 12 properties into the Town of Vinton; and it is the City's understanding that location of the property at the end of a private road or lane will prohibit subdivision of the property, regardless of which jurisdiction the property is located within.

It was further advised that Section 16.2-3106, Code of Virginia, 1950, as amended, states that wherever any two or more localities wish to relocate or change the boundary line between them, the governing bodies of such localities may, by agreement, establish, relocate or change such boundary line; accordingly, in this instance, the three local governments (the City of Roanoke, County of Roanoke and Town of Vinton) must be partners in any boundary adjustment agreement; before adopting an agreement, each governing body is required to properly advertise its intention to approve such agreement; following publication of its intent to enter into such an agreement, each party to the agreement must hold at least one public hearing on the agreement prior to its adoption; within a reasonable time after a voluntary boundary agreement is adopted by the three parties, each locality shall petition the Circuit Court for one of the affected localities to approve the boundary agreement; a plat must be provided depicting the change in the boundaries of the locality or a metes and bounds description of the new boundary line of the locality; and costs shall be awarded as the Court may determine.

It was explained that the City Attorney is of the opinion that since the City is relinquishing its land, the City should expect Roanoke County and the Town of Vinton to bear all expenses of preparing the necessary agreements, surveys, advertising costs, and costs of petitioning the Circuit Court; and in the City Attorney's experience, these types of voluntary annexations are time consuming and would be subject to U. S. Justice Department approval under the Voting Rights Act and may have to be reviewed by the Council of Local Governments.

The City Manager advised that the proposed boundary line adjustment would involve 12 properties and a total land area of 33.29 acres; total assessed value of the 12 properties is \$480,400.00, and the combined annual tax revenue is \$5,725.23; and in the year 2000, the City spent \$9,929.00 collecting refuse and the City school system spent \$4,835.00 providing transportation for one student to attend Roanoke City public schools.

The City Manager recommended that she be authorized to inquire as to the intention of the adjoining municipalities and support of a boundary line adjustment to include the 12 parcels of land identified on Attachments 1 and 2, to the report, and that Council further authorize the City Manager and the City Attorney to review and report to Council on any agreement developed with the other jurisdiction(s) to adjust the current boundary line.

(For full text, see communication on file in the City Clerk's Office.)

ACTION: Mr. Harris moved that Council concur in the recommendation of the City Manager. The motion was seconded by Mr. Carder and adopted.

STATE HIGHWAYS-STREETS AND ALLEYS-BRIDGES: The City Manager submitted a communication advising that Section 33.1 – 41.1, Code of Virginia, 1950, as amended, establishes eligibility criteria of localities for receiving funds from the Virginia Department of Transportation (VDOT) for street maintenance; the Code specifies two functional classifications of roadways (Principal/Minor Arterials and Collector/Locals) and establishes a base payment rate per lane mile for each classification or roadway; rates are adjusted annually by VDOT based upon a statewide maintenance index of unit costs for labor, equipment and materials used by VDOT on roads and bridges; the City's eligibility for fiscal year 2000-2001 is approximately \$8,347,949.00 in street maintenance payments from VDOT; and these funds are used for eligible maintenance expenditures that the City incurs for streets, sidewalks, curb and gutter, traffic signals for bridges, signs and pavement markings.

It was further advised that City staff suggests that a list of streets attached to the report be submitted to VDOT to enable their eligibility for payment in the next fiscal year; approval of the additions and deletions to the street inventory is expected to increase the street maintenance payments to the City by approximately \$4,000.00 at current year payment rates; and VDOT has agreed to take on maintenance responsibilities of Frontage Road, therefore, it is included as a deletion from the City system.

The City Manager recommended that she be authorized to submit a proposed list of streets to the Virginia Department of Transportation for approval by the Commonwealth Transportation Board to enable State Maintenance Payment eligibility.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following resolution:

(#35143-031901) A RESOLUTION authorizing the City Manager to submit a street inventory for State maintenance payment eligibility to the Virginia Department of Transportation (VDOT), upon forms prescribed by VDOT for approval by the Commonwealth Transportation Board, in order to ensure the City's eligibility for State maintenance funds.

(For full text of Resolution, see Resolution Book No. 64.)

ACTION: Mr. Harris moved the adoption of Resolution No. 35243-031901. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

BUDGET-FDETC: The City Manager submitted a communication advising that the Fifth District Employment and Training Consortium (FDETC) administers the Federally funded Workforce Investment Act (WIA) for the region, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, as well as the Cities of Clifton Forge, Covington, Roanoke and Salem; the agency's client population is primarily economically disadvantaged individuals as determined by household income guidelines set by the U. S. Department of Labor; the City of Roanoke is the grant recipient and fiscal agent for FDETC funding, therefore, Council must appropriate funding for all grants and other monies the FDETC receives; Family Services of Roanoke Valley has signed an agreement with the FDETC which provides funding for job search and placement services to clients referred to the FDETC by the Drug Court; Family Services will pay \$250.00 per client served for the period January 1, 2001 to December 31, 2001; and funding will be provided for a population of up to 88 persons, or a maximum of \$22,000.00 for the agreed upon period.

The City Manager recommended that Council appropriate FDETC funding totaling \$22,000.00 and increase the revenue estimate by \$22,000.00 in accounts to be established in the Consortium Fund by the Director of Finance.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following emergency budget ordinance:

(#35244-031901) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Consortium Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Harris moved the adoption of Ordinance No. 35244-031901. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

DIRECTOR OF FINANCE:

BUDGET-JUVENILE CORRECTIONAL FACILITIES: The Director of Finance submitted a written report advising that the Department of Finance provides accounting, payroll and retirement services for the Roanoke Valley Detention Commission; the Roanoke Valley Detention Commission recently adopted an operating budget for fiscal year 2002 which will be the first full year of operation of the completed facility since Phase II construction is scheduled for completion in June 2001; and the budget must be appropriated within the City's accounting system in order for the City to properly administer accounting services.

The Director of Finance recommended that Council adopt an ordinance appropriating the Roanoke Valley Detention Commission's operating budget for fiscal year 2002.

(For full text, see report on file in the City Clerk's Office.)

Mr. Hudson offered the following emergency budget ordinance:

(#35245-031901) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Roanoke Valley Detention Commission Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Hudson moved the adoption of Ordinance No. 35245-031901. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

REPORTS OF COMMITTEES:

AUDITS/FINANCIAL REPORTS-AUDIT COMMITTEE: Council Member William H. Carder, Member, Audit Committee, presented a written report on behalf of the Committee, recommending that Council authorize the City Manager to execute the appropriate documents to contract on behalf of the City with KPMG under the terms stated in the City's "Request for Proposal for Auditing Services", Number 00_11-1, KPMG's proposal dated December 5, 2000, and KPMG's "Fee Schedule for Audit Services" dated February 5, 2001.

(For full text, see reports on file in the City Clerk's Office.)

Mr. Harris offered the following emergency ordinance:

(#35146-031901) AN ORDINANCE authorizing the City Manager to enter into an agreement with KPMG LLP for the performance of annual audits of the City's finances for each of the fiscal years ending June 30, 2001, 2002, 2003, and 2004, upon certain terms and conditions; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Harris moved the adoption of Ordinance No. 35246-031901. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

POLICE DEPARTMENT-EQUIPMENT: Council Member W. Alvin Hudson, Jr., Chairperson, Bid Committee, presented a written report on behalf of the Committee, in connection with bids received by the City to fabricate and install lockers in the New Police Building, located at 348 West Campbell Avenue. The Bid Committee recommended that Council approve the following actions:

Accept the bid and award a lump sum contract to Carter's Cabinet Shop of Roanoke, Inc., in the amount of \$169,281.00 and 60 consecutive calendar days of contract time, with a project contingency of \$10,719.00;

Authorize the City Manager to enter into a contractual agreement for the work;

Reject all other bids received by the City.

The City Manager submitted a written report concurring in the recommendation of the Bid Committee.

(For full text, see reports on file in the City Clerk's Office.)

Mr. Hudson offered the following emergency ordinance:

(#35247-031901) AN ORDINANCE accepting the bid of Carter's Cabinet Shop of Roanoke, Inc., to fabricate and install lockers in the New Police Building, located at 348 Campbell Avenue, as follows: 248 in Men's Locker Room, 28 in Women's Locker Room and 17 in the Tactical Room, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Hudson moved the adoption of Ordinance No. 35247-031901. The motion was seconded by Mr. Bestpitch.

Mr. Hudson expressed concern that \$180,000.00 is proposed for expenditure for 293 police lockers when there are fewer than 250 authorized police officer positions. He also questioned the size of the proposed lockers.

Mr. Bestpitch advised that most police officers are not provided with an office or a desk, therefore, their work environment consists of a locker and a shared police vehicle while on duty. He requested that Council act favorably on the proposed lockers which provide the only space that police officers can claim as their own.

The Assistant City Manager for Community Development advised that Phase I of the new police building contains 293 lockers for police officers; regular lockers are truly the “desk” of a uniformed patrol officer when he or she reports for duty and lockers are used to house uniforms, portable radios and other equipment, along with personal items, including a brief case containing the paper work that each officer is required to complete as a part of their official duties. He stated that the proposed lockers comply with standards of the International Chiefs of Police Association which consist of double door lockers that allow the officer to store rain gear, a winter jacket and an area for bullet proof vest ventilation. He added that lockers represent an important basic issue for performance and morale and the dividends that this investment will pay for both quality service and increased morale will be significant.

The Mayor advised that he supports the recommendation of the Bid Committee, however, Mr. Hudson’s questions are appropriate.

Ordinance No. 35247-031901 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson
and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

**HOUSING/AUTHORITY-SOUTH JEFFERSON REDEVELOPMENT PLAN-
COMMUNITY PLANNING-INDUSTRIES-BUDGET:** A report of the City Planning Commission in connection with a request of the Roanoke Redevelopment and Housing Authority for consideration of the South Jefferson Redevelopment Plan and determination that the proposed redevelopment plan is in substantial accord with the City’s Comprehensive Plan, Roanoke Vision, was before Council.

The City Planning Commission advised that the redevelopment area is located generally east of Route 220 (Roy L. Webber Expressway), west of the Roanoke River, south of the Elm Avenue interchange with Interstate 581, and north of Wiley Drive; at completion, the project could provide up to two million square feet of building space, attract up to \$300 million in private capital expenditures, and provide up to 2,500 new, technical jobs for the region; and the Housing Authority has worked closely with affected property owners to address concerns and where possible, integrate their ideas for economic development and private investment.

It was explained that the Planning Commission's role in the proposed Redevelopment Plan is advisory to Council with respect to a determination that the proposed Redevelopment Plan is in substantial accord with the City's Comprehensive Plan, as set forth in Section 15.2-2232, Code of Virginia (1950), as amended; the Redevelopment Plan identifies three general areas for redevelopment, i.e.: (1) Jefferson Street corridor, (2) campus and institutional areas in the vicinity of Reserve Avenue, and (3) the crossing in the vicinity of railroad development and warehouses; and a proposed Land Use Map is included in the Redevelopment Plan identifying the following four classifications of land use proposed for the redevelopment area: (1) institutional mixed use (research, biomedical, and support uses, (2) commercial support use, (i.e. office, business support), (3) commercial and residential mixed use (flexible, combination business/residential space and (4) public use (i.e. open space, greenways).

The Planning Commission advised that public improvements are proposed for transportation corridors serving the area (Jefferson Street, Albemarle Avenue, Williamson Road and Reserve Avenue) and for low lying flood plain areas (along the Roanoke River), which improvements include street widening, sidewalks, utility relocation and new public open spaces and greenways; and an access ramp to the redevelopment area from Interstate 581 is being pursued, however, at the present time, the ramp's final location is pending additional traffic and planning studies.

The City Planning Commission, on a vote of 5 - 1, found that the Redevelopment Plan for the South Jefferson Redevelopment area is in substantial accord with the City's Comprehensive Plan, Roanoke Vision, and recommends that Council approve the Redevelopment Plan and find that the Plan is in accord with the City's Comprehensive Plan.

(For full text, see report on file in the City Clerk's Office.)

A communication from John P. Baker, Executive Director, Roanoke Redevelopment and Housing Authority, advising that the Housing Authority approved the South Jefferson Redevelopment Plan and the South Jefferson Cooperation Agreement 2 at its regular meeting on March 12, 2001; and the Redevelopment Plan and Cooperation Agreement are forwarded to Council with a recommendation for approval from the Roanoke Redevelopment and Housing Authority.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following resolution:

(#35248-031901) A RESOLUTION approving the Redevelopment Plan for the South Jefferson Redevelopment Area dated February 5, 2001, as being substantially in accord with Roanoke Vision, the City's Comprehensive Plan, and as required by Section 360-51 of the Code of Virginia (1950), as amended.

(For full text of resolution, see Resolution Book No. 64.)

Mr. Hudson moved the adoption of Resolution No. 35248-031901. The motion was seconded by Mr. Carder.

Mr. Mark M. Hall, 1633 South Jefferson Street, owner of Wimmer Tire Service Recap Shop, advised that his building will be the first to be razed; however, he commended the South Jefferson Redevelopment Plan and future benefits to the City of Roanoke as a result of the project. He encouraged the City to provide just compensation to those businesses that will be required to relocate and to render assistance in finding a new location.

Resolution No. 35248-031901 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent)

A communication from the City Manager advising that on May 17, 2000, Council and the Roanoke Redevelopment and Housing Authority entered into a Cooperation Agreement to undertake an initial study, preparation and research of a Redevelopment Plan; since that time, the Housing Authority has defined the boundaries of the redevelopment area, which is generally located east of Route 220, west of the Roanoke River, south of the Elm Avenue interchange with I-581, and north of Reserve Avenue and prepared the South Jefferson Redevelopment Plan; and on February 26, 2001, a public hearing on the proposed Redevelopment Plan was held by Council, the Planning Commission and the Housing Authority.

The City Manager further advised that it is expected at completion, the project will provide over a million square feet of building space, attract several million dollars of private capital investment and provide over 1,000 new technical jobs, many related to the biotechnology field; in order to go forward with the activities identified in the Plan, the Roanoke Redevelopment and Housing Authority will be required to undertake certain redevelopment activities, including property appraisal, acquisition and relocation; and estimated costs to accomplish the activities are detailed in an agreement totaling \$14 million through the year 2003; and funding for the project will be as follows:

Bond Proceeds:	\$ 12,000,000.00
Undesignated Capital Funds (interest)	1,000,000.00
Water and Sewer Fund Retained Earnings	797,500.00
Sale of Land	<u>202,500.00</u>
TOTAL	\$ 14,000,000.00

The City Manager recommended that Council adopt a measure approving the substance of the South Jefferson Cooperation Agreement 2 and authorize the City Manager to enter into the SJD Agreement 2 with the Roanoke Redevelopment and Housing Authority; authorize the City Manager to take such action and execute such documents as may be reasonably necessary for implementation and administration of the SJC Agreement 2; appropriate \$1 million of Undesignated Capital Funds for initial work by the Housing Authority; authorize the City Clerk to advertise for a public hearing on Monday, April 16, 2001, or at such other time as the City Manager may deem appropriate, to be held for the purpose of receiving citizen input on the issuance of the \$12 million in bonds under the Public Finance Act, Section 15.2-2600 et. seq., Code of Virginia (1950), as amended; and adopt a resolution of intent for the City of Roanoke to reimburse the interest income amount being appropriated from bond proceeds once issued.

(For full text, see report on file in the City Clerk's Office.)

Mr. Bestpitch offered the following emergency budget ordinance appropriating \$1 million, to provide funds for initial work to be performed by the Roanoke Redevelopment and Housing Authority:

(#35249-031901) AN ORDINANCE to amend and reordain certain sections of the 2000-01 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of ordinance, see Ordinance Book No. 64.)

Mr. Bestpitch moved the adoption of Ordinance No. 35249-031901. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

Mr. Bestpitch offered the following emergency ordinance:

(#35250-031901) AN ORDINANCE authorizing the proper City officials to execute the South Jefferson Cooperation Agreement 2 between the City of Roanoke ("City") and the City of Roanoke Redevelopment and Housing Authority (RRHA) to provide for the RRHA to implement a Redevelopment Plan dated February 5, 2001, for a certain portion of the City as identified in that Redevelopment Plan in order to develop that area into a research and technology park to enhance and promote economic development within the City and the Roanoke Valley; and providing for an emergency.

Mr. Bestpitch moved the adoption of Ordinance No. 35250-031901. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

Mr. Bestpitch offered the following resolution:

(#35251-031901) A RESOLUTION declaring the City's intent to reimburse itself from the proceeds of its general obligation public improvement bonds for certain moneys to be appropriated by the City to the City of Roanoke Redevelopment and Housing Authority (RRHA) for expenditures in connection with the South Jefferson Redevelopment Plan; and providing for an effective date.

Mr. Bestpitch moved the adoption of Resolution No. 35251-031901. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

The City Manager submitted a communication advising that in early 2000, Carilion Health System (CHS) and Carilion Biomedical Institute (CBI) announced a plan to construct a building to house a biomedical institute; the City worked with CHS and CBI to convince them that the area known as the South Jefferson Redevelopment area would be a desirable location for their investment; on May 17, 2000, pursuant to Resolution No. 34842-051700, Council authorized the City Manager to negotiate a Performance Agreement with CHS and CBI, in accordance with a letter agreement dated May 15, 2000, among the parties to encourage development of the area; the City Manager has negotiated a Performance Agreement providing certain undertakings by the City, CHS and CBI; since that time, the City of Roanoke Redevelopment and Housing Authority has defined the boundaries of the above redevelopment area, which is generally located east of Route 220, west of the Roanoke River, south of the Elm Avenue interchange with I-581 and north of Reserve Avenue and prepared the South Jefferson Redevelopment Plan; on February 26, 2001, a public hearing on the proposed Plan was held by Council, the Planning Commission and the Roanoke Redevelopment and Housing Authority, with public comment supportive of the proposed Plan; and CHS and CBI now wish to be the first major occupants within the redevelopment area and the City desires to encourage this activity in order to develop a research and technology park within the area.

The City Manager further advised that in order for CHS and CBI to go forward with a proposed investment of \$10 million within 24 months of the purchase of the initial site within the redevelopment area, certain considerations will need to be made by the City of Roanoke; in addition to acquisition and clearance of property, certain infrastructure improvements will be needed in the area; the City plans to issue general obligation bonds to cover the cost of development and to provide such improvements; and CHS and CBI intend to purchase the initial site for development in accordance with the Redevelopment Plan.

The City Manager recommended that Council approve the substance of the Performance Agreement and authorize the City Manager to enter into the Performance Agreement with Carilion Health System and Carilion Biomedical Institute, to be approved as to form by the City Attorney, and that the City Manager be further authorized to take such action and execute such documents as may be reasonably necessary for implementation and administration of such Performance Agreement.

(For full text, see report on file in the City Clerk's Office.)

Mr. Hudson offered the following emergency ordinance:

(#35252-031901) AN ORDINANCE authorizing the proper City officials to execute a Performance Agreement among the City of Roanoke ("City"), Carilion Health System ("CHS") and Carilion Biomedical Institute ("CBI") that provides for certain undertakings by the parties in connection with an area of the City contained in the South Jefferson Redevelopment Plan in order to develop that area into a research and technology park to enhance and promote economic development within the City and the Roanoke Valley; and providing for an emergency.

Mr. Hudson moved the adoption of Ordinance No. 35252-031901. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: None.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL: None.

OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS: Mr. Hume Powers, 2641 Nottingham Road, S. E., inquired as to when Wiley Drive will be reopened to vehicular traffic. He advised that Wiley Drive was first opened in early 1960 and closed in early 1999, which amounts to approximately 35 years of two way traffic with few problems; the road was constructed at no expense to the taxpayers of Roanoke by Wiley N. Jackson Construction Company and donated to the City of Roanoke, and the only expense to taxpayers has been routine maintenance. He asked that Council instruct the City Manager to reopen Wiley Drive to two way vehicular traffic within 30 days and until plans for the Roanoke River Flood Reduction Project are finalized.

Items addressed under Other Hearings of Citizens are automatically referred to the City Manager for appropriate response.

At 3:25 p.m., the meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, except Council Member White, Mayor Smith presiding.

ACTION: **COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Harris moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

OATHS OF OFFICE-COMMITTEES-ROANOKE ARTS COMMISSION: The Mayor advised that there is a vacancy on the Roanoke Arts Commission created by the resignation of Ann D. Masters, and called for nominations to fill the vacancy.

Mr. Hudson placed in nomination the name of Robert Humphreys.

There being no further nominations, Mr. Humphreys was appointed as a member of the Roanoke Arts Commission, for a term ending June 30, 2001, by the following vote:

FOR MR. HUMPHREYS: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

(Council Member White was absent.)

OATHS OF OFFICE-COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER: The Mayor advised that on April 1, 2001, there will be a vacancy on the Hotel Roanoke Conference Center Commission created by the resignation of James D. Ritchie, and called for nominations to fill the vacancy.

Mr. Hudson placed in nomination the name of William White, Sr.

There being no further nominations, Mr. White was appointed as a member of the Hotel Roanoke Conference Center Commission, to fill the unexpired term of James D. Ritchie, resigned, commencing April 1, 2001, and ending April 3, 2003, by the following vote:

FOR MR. WHITE: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

(Council Member White was absent.)

OATHS OF OFFICE-COMMITTEES-COMMUNITY PLANNING: The Mayor advised that there is a vacancy on the City Planning Commission for a term ending December 31, 2004, and called for nominations to fill the vacancy.

Mr. Hudson placed in nomination the name of S. Wayne Campbell.

There being no further nominations, Mr. Campbell was appointed as a member of the City Planning Commission, for a term ending December 31, 2004, by the following vote:

FOR MR. CAMPBELL: Council Members Wyatt, Carder, Harris, Hudson and Mayor Smith-----5.

(Council Member White was absent.)

OATHS OF OFFICE-COMMITTEES-SPECIAL EVENTS: The Mayor advised that there is a vacancy on the Special Events Committee created by the resignation of Jay Stephens, and called for nominations to fill the vacancy.

Mr. Carder placed in nomination the name of H. Marie Muddiman.

There being no further nominations, Ms. Muddiman was appointed as a member of the Special Events Committee, for a term ending June 30, 2001, by the following vote:

FOR MS. MUDDIMAN: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

(Council Member White was absent.)

OATHS OF OFFICE-COMMITTEES-ZONING: The Mayor advised that there is a vacancy on the Board of Zoning Appeals created by the death of Sydnor W. Brizendine, Jr., and called for nominations to fill the vacancy.

Mr. Carder placed in nomination the name of Kermit E. Hale.

There being no further nominations, Mr. Hale was appointed as a member of the Board of Zoning Appeals, to fill the unexpired term of Sydnor W. Brizendine, Jr., ending December 31, 2001, by the following vote:

FOR MR. HALE: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

(Council Member White was absent.)

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY: The Mayor advised that the terms of office of H. Victor Gilchrist, James W. Burks and Carolyn M. Bumbry as Commissioners of the Roanoke Redevelopment and Housing Authority expired on August 31, 2000, and called for nominations to fill the vacancies.

Mr. Harris placed in nomination the names of H. Victor Gilchrist, James W. Burks and Carolyn M. Bumbry.

There being no further nominations, Mr. Gilchrist, Mr. Burks and Ms. Bumbry were reappointed as Commissioners of the Roanoke Redevelopment and Housing Authority, for terms ending August 31, 2004, by the following vote:

FOR MR. GILCHRIST, MR. BURKS AND MS. BUMBRY: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

(Council Member White was absent.)

OATHS OF OFFICE-COMMITTEES-YOUTH: The Mayor advised that the term of office of Jonathan Katz as a member of the Youth Services Citizen Board will expire on May 31, 2001, and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of Jonathan Katz.

There being no further nominations, Mr. Katz was reappointed as a member of the Youth Services Citizen Board, for a term ending May 31, 2004, by the following vote:

FOR MR. KATZ: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

(Council Member White was absent.)

At 4:55 p. m., the Mayor declared the meeting in recess until 7:00 p.m.

On Monday, March 19, 2001, at 7:00 p.m., the Roanoke City Council reconvened in regular session in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., and Mayor Ralph K. Smith-----6.

ABSENT: Council Member William White, Sr.-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Cadet Girl Scout Lydia Higgs, Troop 213.

The Pledge of Allegiance to the Flag of the United States of America was led by Brownie Scout Elizabeth Higgs, Troop 33.

PRESENTATIONS AND INTRODUCTIONS:

ACTS OF ACKNOWLEDGEMENT-YOUTH: Cadet Scout Lydia Higgs and others led the Members of Council in reciting the Girl Scout Promise and Law, and a certificate was presented declaring each Member of Council as an Honorary Member of the Girl Scouts organization for one day. Council Members were also presented with a box of Girl Scout cookies.

SCHOOLS: On June 30, 2001, the three year terms of office of Ruth C. Willson and Melinda J. Payne as Trustees of the Roanoke City School Board will expire.

Pursuant to Chapter 9, Education, of the Code of the City of Roanoke (1979), as amended, establishing a procedure for the election of School Trustees, on or before March 31, Council, as a Committee of the whole, will review and consider all candidates for the position of School Trustee, and at such meeting Council shall review all applications filed for the position and may elect to interview candidates for such positions, whereupon, the matter was before the body.

The Mayor introduced the following persons who submitted applications prior to the deadline on March 9, 2001, at 5:00 p.m.:

Gary M. Bowman
Melvin W. Garrett
Melinda J. Payne
Lee A. Pusha (Withdrew application
on Friday, March 16, 2001.)
William E. Skeen
Ruth C. Willson

Without objections by Council the Mayor advised that the applications would be received and filed.

PUBLIC HEARINGS:

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, March 19, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Paul A. Duncan and Gary A. Duncan Partnership that a portion of those certain parcels of real property located at 4425 and 4431 Northwood Drive, N. W., identified as Official Tax Nos. 6140610 and 6140609, and a portion of that certain parcel of land located at 2032 Peters Creek Road, N. W., identified as Official Tax No. 6141403, be rezoned from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on March 2 and 9, 2001.

(See publisher's affidavits on file in the City Clerk's Office.)

A report of the City Planning Commission advising that in 1986, a 2.21 acre tract of land, designated as Official Tax No. 6141403, was conditionally rezoned from RG-1, General Residential District, to C-2, General Commercial District, to construct and operate a new automobile dealership; the petitioners constructed and presently operate an Audi/Saab/Acura dealership; since 1986, the petitioners have acquired two adjacent residential properties, Official Tax Nos. 6140609 and 6140610, and have re-subdivided Official Tax No. 6141403 to include an additional strip of land from these residential tracts, approximately 30 feet wide; and the purpose of the request for rezoning is to allow the construction of a new, separate Acura facility, as requested by the manufacturer, was before Council.

The City Planning Commission recommended that Council approve the request for rezoning, subject to conditions as set forth in the First Amended Petition to Rezone.

(For full text, see report on file in the City Clerk's Office.)

ACTION: Ms. Wyatt moved that the following ordinance be placed upon its first reading:

(#35253) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 614, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant.

(For full text of Ordinance, see Ordinance Book No. 64.)

The motion was seconded by Mr. Hudson.

The Mayor inquired if there were persons present who would like to address Council with regard to the matter; whereupon, G. Michael Pace, Attorney, representing the petitioners, advised that Acura is requiring its dealers to build stand alone or free standing dealerships; therefore, his clients wish to remain at their present location and they are requesting a rezoning of the contiguous property. He called attention to certain proffered conditions that have been reviewed by the City Attorney's Office and City Planning staff that will mitigate or lessen any impact on adjoining residential properties. He stated that to his knowledge, there is no opposition to the proposed rezoning, the use is consistent with many business uses up and down Peters Creek Road, his client has operated a first class business since 1986, and Westview Terrace property owners have expressed no opposition to the proposed rezoning.

Mr. Allen Lowe, 2035 Meadowbrook Road, N. W., advised that the petitioners have been good neighbors; however, his concern relates primarily to the potential for flooding on Peters Creek Road as a result of new construction.

Following discussion, Ordinance No. 35253, on first reading, was adopted by the following vote:

AYES: Council Members Wyatt, Carder, Hudson and Mayor Smith-----4.

NAYS: Council Members Bestpitch and Harris-----2.

(Council Member White was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, March 19, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Roanoke Valley SPCA and Ms. Sandra L. Overstreet, that a tract of land partially fronting on a portion of Baldwin Avenue, N. E. (8 lots), and additional property fronting on a portion of Edmund Avenue (16 lots), identified as Official Tax Nos. 3210616 - 3210620, inclusive, 3210712 - 3210722, inclusive, and 3210701 - 3210708, inclusive, be rezoned from LM, Light Manufacturing District, to HM, Heavy Manufacturing District, subject to certain conditions proffered by the petitioners, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on March 2 and 9, 2001.

(See publisher's affidavits on file in the City Clerk's Office.)

A report of the City Planning Commission advising that the SPCA currently has a contract to purchase properties adjacent to its existing animal shelter for the purpose of constructing a new regional facility; and additional property under contract for purchase is being acquired to accommodate both the animal shelter and impoundment facility, was before Council.

The City Planning Commission recommended that Council approve the request for rezoning, and advised that a regional project will address an important public need and improve the existing arrangement for an animal impoundment facility by providing a new location outside of the flood plain that is in close proximity for both City and regional users.

(For full text, see report on file in the City Clerk's Office.)

ACTION: Mr. Hudson moved that the following ordinance be placed upon its first reading:

(#35254) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 321, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant.

(For full text of Ordinance, see Ordinance Book No. 64.)

The motion was seconded by Mr. Carder.

W. Eric Branscom, Attorney, representing the petitioners, appeared before Council in support of the request of his clients.

The Mayor inquired if there were persons present who would like to address Council with regard to the matter. There being none, Ordinance No. 35254 was adopted, on its first reading, by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

CITYCODE-ZONING-SIGNS/BILLBOARDS/AWNINGS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, March 19, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider proposed amendments to zoning regulations with regard to outdoor advertising (billboards) in the City of Roanoke, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on March 2 and 9, 2001.

(See publisher's affidavits on file in the City Clerk's Office.)

A report of the City Planning Commission advising that the Planning Commission considered proposed amendments to the City's outdoor advertising regulations at its meeting on September 21, 2000; at that time the Commission, by a vote of 4-2, recommended that Council approve the proposed amendments; the recommendation was forwarded to Council for public hearing on October 16, 2000, and Council subsequently referred the matter back to the City Planning Commission for further study, report and recommendation, was before the body.

It was further advised that City Planning staff met on January 8, 2001, with representatives of the sign industry and beautification organizations to determine if there was common ground that could be reached; it was tentatively agreed that certain changes to the ordinance could be supported to close existing loopholes and additional changes dealing with the placement of billboards, maintenance, and viewshed protection would be proposed at a later time in the year 2001; and tentatively agreed upon changes include the following:

- A new billboard could not be located within 350 feet from an existing billboard on the same side of the street.**
- Billboards could not be located within 300 feet of a residential district located within the City.**
- Billboards could not be located within 500 feet of the intersection of an arterial or collector street and a municipal corporation boundary. (Note that in the event that a boundary runs down the center of the street, a 350-foot spacing requirement would apply between billboards located beyond the 500-foot boundary/street requirement.)**
- The distance between billboards would be measured from sign to sign rather than lot to lot. A basic development plan must be submitted for new billboards and all separation distances must be documented by a survey.**

The City Planning Commission recommended that Council adopt Zoning Ordinance amendments addressing outdoor advertising.

(For full text, see report on file in the City Clerk's Office.)

Mr. Bestpitch offered the following emergency ordinance:

(#35255-031901) AN ORDINANCE amending and reordaining §36.1-25, Definitions, of Article II, Construction of Language and Definitions, and §36.1-445, Additional sign regulations, by amending subsection (a) and adding a new subsection (e), of Article IV, Supplementary Regulations, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to clarify and provide appropriate spatial requirements for outdoor advertising signs; and dispensing with the second reading of the title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Bestpitch moved the adoption of Ordinance No. 35255-031901. The motion was seconded by Mr. Hudson.

The Mayor inquired if there were persons present who would like to address Council with regard to the matter. There being none, Ordinance No. 35255-031901 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

OTHER HEARING OF CITIZENS:

COMPLAINTS-POLICE DEPARTMENT: Mr. Frederick Price, 115 Salem Avenue, S. W., Mr. James Peterson, 409 18th Street, S. E., and Mr. Nicholas S. Carr, 2703 Garden City Boulevard, S. E., called attention to a parking lot owned by the City of Roanoke in the area of Salem and Norfolk Avenues (behind Billy's Ritz Restaurant), which was previously operated by Allright Parking Company as paid parking; however, the parking lot has now been assigned to Norfolk Southern. They expressed concern that the parking lot is not clearly identified as private parking during certain hours of the day; therefore, City Market patrons park in the lot, their vehicles are towed away by a local towing company, and a cost of \$90.00 is incurred to reclaim the vehicle.

COMPLAINTS-INTEGRATION/SEGREGATION: Mr. Jeff Artis, Chair, Board of Directors, Roanoke Southern Christian Leadership Conference, formally requested that Council adopt a measure specifically prohibiting Roanoke City government, or any entity thereof, from engaging in or doing business with any individual or business entity and/or their subsidiaries, that practice and/or have been found guilty of practicing discrimination of any kind, including age discrimination and discrimination based upon sexual orientation.

COMPLAINTS: Mr. Robert Gravely, 1412 Moorman Road, N. W., expressed concern with regard to the following City issues: an increase in real estate assessments, declining economy, increased housing costs, low wages for City employees, high crime rate, and corruption.

The Mayor advised that matters addressed under Other Hearing of Citizens are automatically referred to the City Manager for appropriate response.

The Monday, March 19, 2001, 12:15 p.m. regular session of the Roanoke City Council which was declared in recess until Monday, March 26, 2001, was called to order at 11:00 a.m., in the Exhibit Hall at the Roanoke Civic Center, 710 Williamson Road, N. E., with Mayor Smith presiding and the following Council Members in attendance.

PRESENT: Council Members William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris (arrived a 11:30 a.m.), W. Alvin Hudson, Jr., and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; Elizabeth K. Dillon, Assistant City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

COUNCIL: The purpose of the reconvened meeting is to hold a Planning Retreat as a follow up to the retreat which was held on July 20 and 21, 2000. The meeting was facilitated by Lyle Sumek, Lyle Sumek Associates, Inc.

Mr. Sumek presented a summary of his one-on-one conversations with the Members of Council prior to the planning retreat. He then led the group in a team building exercise designed toward recognizing interdependence on each other.

Members of Council participated in an exercise which they were asked to list the characteristics of a good leader and the characteristics of a poor leader, followed by an exercise in which they were asked to list four points for their vision for the future of Roanoke in five to ten years, to list three to four items in the next six months that need decisive action by Council, what means success to each member of Council in the next six months, and what actions need to be taken by Council at this time to be successful.

At 12:00 noon, the meeting was declared in recess for lunch.

At 1:00 p.m., the meeting reconvened in the Exhibit Hall of the Roanoke Civic Center, with all Members of the Council in attendance, except Ms. Wyatt who left the meeting during the lunch break and returned at 1:15 p.m., Mayor Smith presiding.

As a part of the above exercise, there was discussion in regard to the City's Comprehensive Plan, fire station study, Victory Stadium, restructuring of Council appointed boards and commissions, Riverside Centre, the budget process, City staff reorganization, solid waste management, and neighborhood plans.

The meeting was declared in recess at 5:10 p.m., for dinner.

At 6:00 p.m., the meeting reconvened in the Exhibit Hall of the Roanoke Civic Center with all Members of Council in attendance, Mayor Smith presiding.

Council Members participated in a discussion regarding their perception of Council meetings, and potential actions that could be initiated to make Council meetings more effective and professional.

It was the consensus of Council to set aside a day and one-half in July, 2001 for another planning retreat.

There being no further business, the Mayor declared the meeting adjourned at 8:00 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor